

REMARKS

The Notice of Non-Compliant Amendment is inappropriate, for reasons which follow, and should be withdrawn.

As stated in the second paragraph of the Supplemental Information Disclosure Statement dated May 13, 2005, a copy of the amended claims of a published related application was attached to the Supplemental Information Disclosure Statement in full compliance with Applicant's duty of disclosure. It appears from a telephone conversation with the Examiner, that the Office mistakenly entered those claims in the present application, despite the fact that a simple comparison of those claims with the claims presented in the Supplemental Preliminary Amendment dated July 28, 2004, makes evident the fact that those claims are not claims of the present application.

Nevertheless, the Examiner has requested the undersigned to resubmit the claims presented in the Supplemental Preliminary Amendment, and the undersigned has herewith complied with this request.

It is apparent that the RESPONSE dated May 13, 2005, did not amend the claims submitted in the Supplemental Preliminary Amendment and that there was no basis for the Notice of Non-Compliant Amendment.

An action on the merits of the elected claims is respectfully solicited, as requested in the RESPONSE.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees under 37 C.F.R. §§

1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

Respectfully submitted,

NHS:lmb

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June 15, 2005

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Nelson H. Shapiro  
Nelson H. Shapiro

June 15, 2005  
Date